Annual Report
2001

Saskatchewan Conflict of Interest Commissioner

102-05629/

Saskatchewan
Conflict of Interest
Commissioner

SASKATCHEWAN

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July 18, 2002.

Speaker's Office,
Province of Saskatchewan,
Room 129, Legislative Building,
Regina, Saskatchewan.
S4S 0B3

Dear Mr. Speaker:

In accordance with the provisions of *The Members' Conflict of Interest Act*, I am forwarding to you my second Annual Report to the Legislative Assembly.

Yours very truly,

G. L. GERRAND, Q.C.
Conflict of Interest Commissioner
Province of Saskatchewan

GLG/oc
Enclosure

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This is my second Report as Conflict of Interest Commissioner for the Province of Saskatchewan and covers the calendar year January 1, 2001 to December 31, 2001. This Report is mandated by the provisions of section 25(1) of *The Members' Conflict of Interest Act* which provides:

> "25(1) In accordance with *The Tabling of Documents Act, 1991*, the commissioner shall in each year submit to the Speaker an annual report describing the progress and activities of the commissioner in the previous year."

There are several fundamental functions of my office as set forth in the *Act*. These functions can be succinctly described as follows:

1. Receiving from each Member of the Legislature a duly completed Private Disclosure Statement revealing the financial and property affairs of the Member. This statement is required to be filed with me no later than March 31st in each calendar year. In the case of a newly elected Member, the Statement must be filed within 90 days of being elected. Most Members faithfully observe this time limitation, but some Members continue to be dilatory in observing this statutory requirement.

2. Arranging for and meeting with each Member of the Legislature to review with him or her the detail of his or her Private Disclosure Statement and to provide advice regarding the Member's compliance with the provisions of the *Act*.

3. Preparing and filing with the Clerk of the Legislative Assembly the appropriate Public Disclosure Statement for each Member of the Legislature. I am pleased to report that each Member's Public Disclosure Statement was again filed prior to the June 30 date stipulated by the *Act*.

4. When requested by Members, the providing of opinions pursuant to Section 27(1) of the *Act* respecting specific obligations of a Member under the *Act*. I have provided opinions to certain Members during the period of this report, both informally at meetings and formally in writing.

5. Providing opinions pursuant to Section 29(1) of the *Act* pursuant to an application by a Member with respect to another member, a request by resolution of the Assembly, or by the President of the Executive Council with respect to any Member of the Executive Council. During the period of this Report, no such request was received.

It is my belief, based on my review of Private Disclosure Statements and personal meetings, that no Member of the Executive Council is or has been engaged in any trade or employment, operation of any business or holding of any office which would be contrary to Section 9(1) of the *Act* and constitute a conflict of interest.

The key provisions of *The Members' Conflict of Interest Act* respecting the existence of a conflict and the avoidance of conflicts are found in Sections 3, 4 and 5 of the *Act*.

> "3 For the purposes of this Act, a member has a conflict of interest when the member makes a decision or participates in making a decision in the execution of his or her office and at the same time knows that in the making of the decision there is the opportunity to further his or her private interest, his or her family's private interest or the private interest of an associate.
>
> 4 A member shall not use information that is gained in the execution of his or her office and is not available to the general public to further or to seek to further the member's private interest, his or her family's private interest or the private interest of an associate.
>
> 5 A member shall not use his or her office to seek to influence a decision made by another person to further the member's private interest, his or her family's private interest or the private interest of an associate."

The Members' Conflict of Interest Act is the statutory underpinning of present day views on parliamentary ethics. The essential ingredients of parliamentary ethical behaviour have been

identified as honesty, integrity, fairness and good faith by the Hon. E.N. (Ted) Hughes, presently Conflict of Interest Commissioner for the Northwest Territories. These qualities must be constantly displayed by our Members of the Legislature, if confidence in the parliamentary system is to be fostered and sustained.

Having examined the Private Disclosure Statements of all of the 58 Members that sat in the Legislature for the year 2001 and having met with each of them, I am satisfied that each Member has performed his or her duties with honour and respect for the provisions of the *Act*, with the exception of those few instances referred to in paragraph 1.

In January, 2001, I expressed the opinion to the Executive Council of the Government of Saskatchewan that the acceptance by Members of the Legislature of an annual membership card to executive lounges operated by Air Canada in major airports is an incident of the protocol of office of a Member, as contemplated by Section 7(21), and is not a breach of the *Act*.

In the month of June, 2001, I conducted an inquiry into the activities of the Honourable Maynard Sonntag in which he was involved during the period of June 11 through June 14, 1998. The inquiry was prompted by a request for an opinion from Premier Calvert respecting Mr. Sonntag's involvement in a fishing trip to Missinipe, Saskatchewan for a three day period in 1998.

Following the interviewing of all persons who had knowledge of the events, I reported on June 28, 2001 that Minister Sonntag had carried out his ministerial responsibilities appropriately while participating in the fishing trip with others and that any minor gifts or benefits he received during the outing were properly received by him under the provisions of the *Act*.

In the month of December, 2001, I commenced an inquiry regarding the activities of former Agriculture Minister Eric Upshall respecting the possible breach of Section 34(1) of the *Act*. The results of this inquiry have been made public and will be described in my next Annual Report.

In September of 2001, I attended the annual meeting of the Canadian Conflict of Interest Network (CCOIN) which was held in Toronto, Ontario. This meeting was attended by most of

the Conflict of Interest Commissioners of the Provinces and Territories along with the Ethics Commissioner for the Federal Government. This gathering was a useful means for Commissioners from across Canada to discuss issues of mutual concern and exchange ideas.

The annual meeting of CCOIN will be convened in Regina on September 21 and 22, 2002, and I look forward to hosting this meeting of my fellow Commissioners.

A review of the *Act* has taken place and recommendations have gone forward to update certain provisions of the *Act* and provide a simplified means for Members to report to me on their assets and income following the initial filing by the Member of the Private Disclosure Statement.

The annual budget for the operation of my office is $122,000.00 of which $91,535.98 was actually spent. This does not include the cost of support services supplied to me by the staff of the Legislative office in their usual courteous and efficient manner.

DATED at Regina, Saskatchewan, this 18th day of July, 2002.

G.L. Gerrand, Q.C.
Conflict of Interest Commissioner
for Saskatchewan